

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**AMY BALDIN, an individual and as sole
manager of LUGANO PROPERTIES 4, LLC,
a Nevada Limited Liability Company,**

Plaintiff,

v.

**WELLS FARGO BANK, N.A., a National
Bank registered to do business in Oregon; and
WELLS FARGO HOME MORTGAGE INC., a
division of WELLS FARGO BANK, N.A.,**

Defendants.

No. 3:12-cv-00648-AC

OPINION AND ORDER

MOSMAN, J.,

On February 12, 2013, Magistrate Judge Acosta issued his Findings and Recommendation (“F&R”) [100] in the above-captioned case recommending that defendants’ motion to dismiss [24] be granted in part and denied in part as follows: The First (Breach of Contract), Second (UTPA), Third (FCRA), Sixth (False Light), and Ninth (Declaratory) Claims for Relief should be dismissed without prejudice; the Fifth (FDCPA) Claim for Relief should be dismissed with prejudice; and defendants’ motion should be denied in all other respects. Judge Acosta also recommended that plaintiff’s motion for partial summary judgment [11] be denied. No objections were filed.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Acosta's recommendation, and I ADOPT the F&R [100] as my own opinion.

IT IS SO ORDERED.

DATED this 4th day of March, 2013.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge